

### **REMARKS**

Applicant thanks the Office for examining this application. Claims 1-41 were originally pending. Claims 1-40 are currently pending. Claims 1, 11, 16, 27, 33 and 37 have been amended. Claim 41 has been canceled without prejudice. No claims have been added or withdrawn.

Withdrawal of the outstanding objections and rejections is respectfully requested in view of the following remarks.

#### **35 USC §101 Rejections**

Claims 1-41 are rejected under 35 USC §101 as being directed to non-statutory subject matter. **Claims 1, 11, 16, 27, 33 and 37** have been amended to illustrate useful, concrete, and tangible results.

For example, **claim 1** has been amended to recite (emphasis added) “responsive to determining that the two images match, providing an indication that the two images match” (e.g., the browsing and retrieval described in the specification at [0037], the web browser of [0098], returning ranked sets of images based on similarity at [0087], etc.). Providing an indication that two images match in view of a set of similarity characteristics (e.g., similarities based on texture moment and color correlogram data) has “real world” value (e.g., paragraphs [0005], [0014], [0087], etc.). For instance, receiving an indication that two images match in view of a set of similarity characteristics can be used to facilitate automated and/or manual sorting of digital images (e.g., paragraphs [0011] and [0087]). In another example, the ability to officially discriminate

between similar and dissimilar images enables even relatively unsophisticated users to identify a matching query data set, or to determine that there are no matching images in a database, etc. (e.g., please see paragraph [0025]). Thus, providing an indication that two images match is a useful and substantially repeatable result with tangible/practical application, as opposed to subject matter that represents nothing more than an idea or concept, or is simply a starting point for future investigation or research.

**Claims 11 and 16** have been amended to recite useful, tangible, and concrete results similar to that of claim 1 (i.e., "providing a result that identifies the set of similar images" or "providing a result that indicates whether the two digital images match," respectively. **Claim 27** has been amended to recite "provide the group(s) of similar images for viewing" (e.g., please see claim 31 as originally filed, and paragraph [0087]). **Claim 33** has been amended to recite "utilizing the tiered classification scheme to provide an indication whether first and second digital images have matching similarities", (please see the specification that paragraphs [0078] through paragraphs [0087]). **Claim 37** has been amended to recite "a display device coupled to the one or more processors and to the memory and configured to display digital images corresponding to the selected one or more feature vectors in response to user input, the digital images having been determined to share a set of similarity characteristics."

Applicant respectfully submits that the Examiner has already had the opportunity to examine the features associated with these claim amendments. For example, please see claim 31 as originally filed, wherein

a monitor is used to view digital images that have been analyzed according to a specific set of similarity characteristics. Additionally, please see claim 41 as originally filed. The features of claim 41, which has been canceled without prejudice, have been moved into claim 37 to provide claim 37 with a useful, tangible, and concrete result.

**Dependent claims 2-10, 17-26, 28-32, 34-36, and 38-40** depend from these allowable base claims that illustrate useful, tangible, and concrete results. Thus, these dependent claims also provide useful, tangible, and concrete results for reasons at least based on their respective dependency on one of these allowable base claims.

With respect to **claims 33-36**, the preamble of **claim 33** has been amended to recite “[a] computer readable medium on a tangible data storage device [...]” (e.g., system memory 906 of paragraph [0092], Fig. 9), which is statutory subject matter in accordance with 35 USC §101. Claims 34-36 depend from claim 33. Thus these dependent claims are also directed to “a computer readable medium on a tangible data storage device [...]”.

Withdrawal of the 35 USC §101 rejection of claims 1-40 is requested.

### **Conclusion**

Pending claims 1-40 are in condition for allowance and action to that end is respectfully requested. Should any issue remain that prevents allowance of the application, the Office is encouraged to contact the undersigned to discuss this case prior to issuing any subsequent Action.

Respectfully Submitted,

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